

FILE COPY

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION:

FOR A LICENSE TO PRACTICE AS A :

REAL ESTATE SALESPERSON OF :

BRITTON D. McKENZIE, :

(aka DUANE THORBAHN), :

(aka ROBERT NEWMAN), :

APPLICANT. :

FINAL DECISION

AND ORDER

LS9508251REB

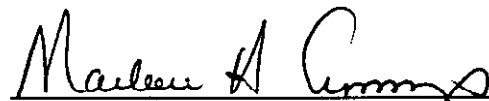
The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 17th day of July 1996.



Marlene A. Cummings, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION
FOR A LICENSE TO PRACTICE AS A
REAL ESTATE SALESPERSON OF:

BRITTON D. McKENZIE,
(aka DUANE THORBAHN)
(aka ROBERT NEWMAN)
APPLICANT.

PROPOSED DECISION
[Case No. LS 9508251REB]

The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

Britton D. McKenzie
3010 Woods Edge Way
Madison, WI 53711

Department of Regulation and Licensing
P.O. Box 8935
Madison, Wisconsin 53708

Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

This proceeding was commenced by the filing of a Notice of Hearing on August 25, 1995, scheduling a hearing for October 13, 1995 on the decision of the Department of Regulation and Licensing to deny the application of Britton D. McKenzie for a license to practice as a real estate salesperson. The hearing in the above captioned matter was held as scheduled on October 13, 1995. Britton McKenzie appeared in person without counsel and Attorney John R. Zwieg appeared for the Department. The hearing was recorded and a transcript was prepared.

Based upon the entire record in this matter, the administrative law judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order:

PROCEDURAL POSTURE

1. On May 9, 1995, the department denied McKenzie's application for a real estate salesperson license, on the grounds that McKenzie has been convicted of crimes the circumstances of which substantially relate to the circumstances of the practice of a real estate salesperson, and that McKenzie made material misstatements, misrepresentations, omissions and concealments of his criminal record on his application for a real estate salesperson license.

2. On May 24, 1995, McKenzie filed a request for hearing contesting the reasons of denial and requesting a hearing. McKenzie in substance contended that he answered the application questions completely and truthfully, and while acknowledging his record of criminal convictions, contended that his conviction record is not substantially related to the circumstances of the practice of a real estate salesperson, and that finally he suffers from a handicap which manifests itself in criminal behavior.

3. The hearing was convened as scheduled and noticed on October 13, 1995. As noted above McKenzie appeared for the hearing on his own behalf, without an attorney. In order to focus the issues for the hearing for the benefit of Mr. McKenzie, the ALJ entertained a change in the order of proof, suggesting that the State proceed with its presentation first. Both Mr. Zwieg and Mr. McKenzie agreed. Mr. Zwieg proceeded with a brief opening statement for the State, and Mr. McKenzie followed with his opening. Thereupon, Mr. Zwieg called Mr. McKenzie as his first witness.

4. Shortly after examination began, Mr. McKenzie objected to a line of questioning relating to an answer in his real estate salesperson application. Specifically, McKenzie objected to Mr. Zwieg inquiring into the content of McKenzie's application answer regarding the sole criminal conviction McKenzie revealed in his application, which was for lewd and lascivious behavior and obstructing a police officer. Mr. Zwieg's questions were drawing out mischaracterizations and misrepresentations in McKenzie's application answer regarding the circumstances of the conviction, and necessarily focused on specific material details of the incident which was subject of the conviction. The ALJ recognized and heard McKenzie's objection, but overruled the objection as Mr. Zwieg's questions went directly to the issue of misrepresentation by McKenzie in his application of the circumstances of the crime. Mr. Zwieg confronted McKenzie with prior inconsistent admissions relative to the crime, which McKenzie acknowledged. McKenzie thereupon became angry and upset at the focus of the questioning and walked out of the hearing. The ALJ attempted to persuade McKenzie to stay, but to no avail, as he promptly left the witness chair, exited the hearing room, and did not return. Thereafter, Mr. Zwieg requested that he be allowed to present the remainder of his case to make a record, which the ALJ allowed. No further contact or correspondence has been received from Mr. McKenzie.

FINDINGS OF FACT

1. Britton D. McKenzie, date of birth (used by Applicant) April 27, 1946, of 3010 Woods Edge Way, Madison, Wisconsin 53711, filed an application dated March 23, 1995 with the Department of Regulation and Licensing for a license to practice as a real estate salesperson in the state of Wisconsin.

2. Applicant McKenzie provided a copy of a Certificate of Completion of Educational Requirements indicating that he successfully completed the 72 classroom hours of educational programs required by sec. 452.09(2), Stats. McKenzie also passed the real estate salesperson examination.

3. Question a. on page 2 of the real estate salesperson license application asks: "Have you ever been convicted of a misdemeanor or a felony? If YES, attach a sheet providing details about the crime, including date of conviction, court, and penalty. . . ."

4. Question b. on page 2 of the real estate salesperson license application asks: "Are you incarcerated, on probation or on parole for a conviction? If applicable, attach a sheet providing details including the terms of incarceration and, if applicable, list name, address and phone number of your probation or parole officer."

5. Page 4 of the application contains a certification paragraph stating, "I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that false or forged statements made in connection with this application may be grounds for revocation of my credential or other disciplinary action." Applicant McKenzie swore to and signed the application before a notary public on March 23, 1995.

6. In response to questions a. and b. on page 2. of the application, McKenzie responded affirmatively, and attached a single sheet of paper with a description of a single misdemeanor conviction for an event which occurred on July 21, 1987 for lewd and lascivious conduct and obstructing an officer, portraying the incident as an accidental exposure of his genitals. In fact, with respect to the July 21, 1987 incident resulting in the conviction for lewd and lascivious conduct and obstructing an officer revealed with his application, McKenzie had admitted to the arresting officer, and affirmed at the hearing, that he had intentionally exposed himself to the woman and masturbated to ejaculation in the second floor lounge of the University of Wisconsin Student Union in Madison, Wisconsin.

7. As noted above, McKenzie revealed in his application only a single misdemeanor conviction from July 1987. In fact, McKenzie has an extensive record of criminal convictions, under the names of Britton McKenzie, Duane Thorbahn, and Robert Newman, or variations thereof, from August 24, 1978 through January 12, 1993. Over those 13 years there are 13 separate judgments of conviction, some including multiple counts, for either lewd and lascivious behavior or indecent exposure, once in the presence of young female children. Also, on March 19, 1984, the Applicant was found not guilty by reason of mental disease or defect, resulting in a

sec. 971.17(1) commitment (although the record indicates this finding was for dispositional purposes to afford the opportunity for treatment). In addition to the lewd and lascivious behavior and indecent exposure convictions, the Applicant was also convicted for retaining stolen property on September 14, 1981, convicted for obstructing a police officer on April 21, 1988, convicted for felony perjury on April 21, 1988, and convicted for bail jumping on November 14, 1988. These convictions occurred in eight different counties across the state. A listing of the convictions (Exhibit 7 from the hearing record presented for summary purposes) is attached to this proposed decision for reference.

8. In response to questions a. and b. on page 2 of his application for a real estate salesperson license, which ask for information about convictions for misdemeanor and/or felony offenses, and upon filing his application with the department, Applicant McKenzie falsely misstated, misrepresented, omitted and concealed his extensive record of criminal convictions. Only by virtue of the department's own investigation after the filing of the application was McKenzie's aliases and full criminal record discovered.

9. The circumstances of McKenzie's record of criminal convictions for lewd and lascivious behavior, indecent exposure, retaining stolen property, bail jumping, obstruction of a police officer, and perjury are substantially related to the circumstances of the practice of a real estate salesperson.

10. No evidence was presented that Mr. McKenzie suffers a disability. Rather, the record indicates that the Applicant does have the disorder of exhibitionism, but it is not a mental disease, disorder, defect or handicap such that he was or is unable to conform his conduct to the requirements of the law. The record indicates that Mr. McKenzie is able to fully appreciate the impropriety and illegality of his conduct, and the issue is more one of refraining and/or resisting his impulses, i.e., unresisted, not irresistible impulses.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to sec. 452.05, Stats.

2. By walking out of the hearing and failing to return, contrary to the attempt of the ALJ to encourage him to stay, pursuant to sec. RL 1.07, Wis. Adm. Code, the Department may take action in this matter based upon the record as submitted, and the Applicant has waived his right to appeal the denial of his application for a real estate salesperson license.

3. Britton D. McKenzie, aka Duane Thorbahn, aka Robert Newman, in misrepresenting, omitting and concealing his extensive criminal record from the department, made a material misstatement in his application for a real estate salesperson license, in violation of sec. 452.14(3)(a), Wis. Stats., and therefore has demonstrated incompetence to transact the business of a real estate salesperson in a manner which safeguards the interests of the public, contrary to sec. 452.03, Stats.

4. The circumstances of the record of convictions of Britton D. McKenzie, aka Duane Thorbahn, aka Robert Newman, for lewd and lascivious behavior, indecent exposure, retaining stolen property, bail jumping, obstruction of a police officer, and perjury are substantially related to the circumstances of the practice of a real estate salesperson within the meaning of secs. 111.335(1)(c)1., Stats.

5. Criminal violation of laws the circumstances of which substantially relate to the circumstances of the practice of a real estate salesperson constitute a basis for denial of a license under secs. 452.03 and 452.14(3)(i), Stats.

ORDER

NOW THEREFORE, IT IS ORDERED that the Order of the Department of Regulation and Licensing dated May 9, 1995 denying the application of Britton D. McKenzie for a license to practice as a real estate salesperson is hereby affirmed, and the license is therefore **DENIED**.

OPINION

Three issues are presented for decision in this matter. The first is the effect of Mr. McKenzie walking out of the hearing shortly after it convened. The second is whether Mr. McKenzie made any material misstatement, misrepresentation, omission or concealment on his application for a real estate salesperson license. The third is whether the circumstances of Mr. McKenzie's conviction record are substantially related to the circumstances of the practice as a real estate salesperson for which license he is applying. The undersigned finds and concludes that Mr. McKenzie waived his right to appeal the denial of his license by leaving the hearing, that he did make material misstatements, misrepresentations, omissions and concealments in his application, that the circumstances of his conviction record are substantially related to the practice of a real estate salesperson, and therefore, that his application should be denied.

The first issue, a procedural matter which in itself is dispositive of this case, is that Mr. McKenzie walked out of the hearing shortly after it began, because he disagreed with and was angry about examination into the circumstances of the single criminal conviction he revealed in his real estate salesperson license application. The ALJ allowed the line of questioning because it went directly to the issue of misstatement and misrepresentation in his application, one of the two main issues in this case. Section RL 1.07, Wis. Adm. Code, provides:

RL 1.07 Failure to appear. In the event that neither the applicant nor his or her representative appears at the time and place designated for the hearing, the department or board may take action based upon the record as submitted. By failing to appear, an

applicant waives any right to appeal before the department or board which denied the license.

Mr. McKenzie was present for perhaps 15 to 20 minutes of the hearing. The parties made opening statements, and Mr. Zwieg, representing the department, began the presentation of testimony and evidence with examination of Mr. McKenzie. As soon as the examination began to probe into the issue of McKenzie's alleged misstatement in his application of his criminal record, which necessitated inquiry into the details of the description of McKenzie's July 21, 1987 conviction for lewd and lascivious behavior, McKenzie objected, was overruled, became upset and walked out of the hearing despite the ALJ's attempted encouragement to him to stay. Since McKenzie on his own volition left the hearing, ostensibly because he did not like the probing nature of the relevant examination of his conviction, there is no choice but to conclude that McKenzie chose not to avail himself further of his right to the hearing to challenge the denial of his application for license. While McKenzie did appear for the hearing, once it was underway he abandoned it. Accordingly, the terms of the second sentence of RL 1.07 apply to this situation, with the effect that McKenzie must be deemed to have waived any right to appeal the denial of his license before the department.

While McKenzie is deemed to have abandoned and waived his appeal of the denial of under RL 1.07, Wis. Adm. Code, this decision will also address the remaining two substantive issues, whether McKenzie made a material misstatement in his application, and whether the circumstances of McKenzie's conviction record are substantially related to the practice of a real estate salesperson.

Section 452.14 (3)(a), Stats., provides that a real estate license may be revoked if the holder of the license:

“(a) Made a material misstatement in the application for a license or registration, or in any information furnished to the board or department;”

It goes without saying that a license may be denied if the department discovers that an applicant has made a material misstatement in the application prior to the issuance of the license.

McKenzie signed his application under oath before a notary public, certifying that his answers were strictly true in all respects. However, as indicated in the findings of fact, McKenzie committed a misstatement on his application in at least two material respects.

First, McKenzie disclosed one misdemeanor conviction for the incident on July 21, 1987, for lewd and lascivious conduct and obstruction of a police officer. In his description of the conviction, McKenzie clearly portrayed the incident as an accidental exposure. However, the record of the criminal complaint and conviction, and McKenzie's testimony at hearing, disclosed that the exposure was clearly intentional, and even premeditated in the sense that he had dressed that day specifically to facilitate the exposure of his genitals. Moreover, his conduct was not limited to an indecent exposure. In fact, he admitted to masturbating to ejaculation in a the public lounge of the University student union.

Secondly, and more importantly, McKenzie disclosed only one misdemeanor criminal conviction in his application when in fact he has a record of at least 14 misdemeanor convictions and one felony conviction spanning approximately 13 years. McKenzie contends that he was fully responsive to the application questions regarding his convictions, and offered and provided all information called for by the application. This is simply not true. In fact, with the filing of the application, he had disclosed only the conviction regarding the July 1987 incident. Only by subsequent investigation by the department was McKenzie's full conviction record discovered, and only then did McKenzie acknowledge the full extent of his conviction record. Failure to disclose his conviction record was compounded by the fact that McKenzie has used several different names (it is unclear even in the record of this case whether Britton D. McKenzie is the applicant's legal name or an alias). Marlene Maly of the Bureau of Direct Licensing and Real Estate, testified that following receipt of McKenzie's application, a crime information bureau (CIB) record check on the name of Britton McKenzie came back negative for any convictions. Ms. Maly only learned from McKenzie's probation officer that McKenzie had the aliases of Duane Thorbahn and Robert Newman, and a CIB record of some 24 pages in length. Had the department relied on McKenzie's representations in his application and not undertaken to investigate his background, the full extent of McKenzie's criminal record would not have been known to the department.

McKenzie had also procured and submitted in connection with his application a March 27, 1995 letter from a Sharon Rapkin, Vice President, of First Realty Group, Inc., indicating that McKenzie had informed her of his past criminal record, that his references had been investigated, and that First Realty was prepared to offer McKenzie a real estate sales position upon receipt of his license. However, testimony at the hearing revealed that McKenzie only disclosed to First Realty that he had been in prison on a charge of obstructing an officer, and that a woman involved with the case had "seen a little more that she was supposed to." Again, McKenzie appears to have misrepresented the nature, seriousness and extent of his criminal record in connection with obtaining an offer for a real estate salesperson position, and submitted Ms. Rapkin's letter for registration of First Realty Group as his broker-employer, for the purpose of fulfilling the requirement under sec. RL 17.03(4), Wis. Adm. Code, that he be employed by a licensed broker in order to engage in real estate practice, should he become licensed.

The application called for McKenzie to disclose the crime, date of conviction, court and penalty for each of his convictions. Omission of all but one of his convictions is a material misstatement in his application, in violation of his oath in signing the application and in violation of sec. 452.14(3)(a), Stats. McKenzie's failure to disclose his extensive record of convictions in itself is indicative of dishonesty, and also amounts to an attempt to obstruct the department's responsibility to the public to assure that persons that are licensed are competent to practice in a manner which safeguards the interests of the public under sec. 452.03, Stats.

Based upon the record developed in this matter, McKenzie's misstatements, misrepresentation, omissions and concealments regarding his record of criminal convictions in his application for a real estate salesperson license, in violation of sec. 452.14(3)(a), Stats., represent a methodical and systematic pattern of dishonesty in his application to obtain a license, and demonstrate

incompetency to practice in a manner which safeguards the interests of the public under sec. 452.03, Stats. The material misstatements, misrepresentations, omissions and concealments in his application for license are sufficient grounds to deny McKenzie's application.

The final issue is whether the circumstances of McKenzie's conviction record substantially relate to the circumstances of the practice of a real estate salesperson. The undersigned concludes that they do.

In County of Milwaukee v. LIRC, 139 Wis. 2d 805 (1987), the Wisconsin Supreme Court defined the criteria for establishing substantial relationship of the circumstances of criminal conduct to the circumstances of employment or a licensed occupation or profession. The Court stated:

Assessing whether the tendencies and inclination to behave in a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed, is the purpose of the test. What is important in this assessment is not the factual details It is the circumstances which foster criminal activity that are important, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. (139 Wis. 2d at 824)

As argued by the state, the Supreme Court has interpreted substantial relationship as defined in the Wisconsin Fair Employment Act, Ch. 111, subch. III, Wis. Stats., to balance society's interest in rehabilitation of persons convicted of crimes against its interest in protecting citizens from unreasonable risks that the convicted person will commit similar offenses if placed in an employment or professional situation which offers temptations or opportunities for criminal behavior similar to that for which the person was convicted.

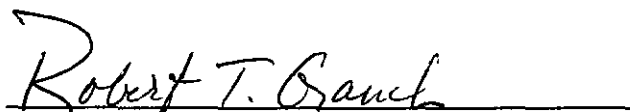
Persons engaged in real estate transactions with real estate brokers and salespersons have the right to expect those licensees to deal with them honestly, ethically, and respectfully, and to conduct themselves in a manner so as to elicit the client's trust in and reliance upon the licensee's integrity and reliability. The practice of real estate involves the limited practice of law, and one holding a broker or salesperson license must therefore demonstrate a respect for the law. The practice of real estate also involves daily close personal contact with buyers and sellers in the various stages of listing or showing a property, examining listings, negotiations and drafting transaction documents. Oftentimes many of these activities take place in one to one situations and in isolated situations such as the office, in transit in an automobile, or a showing in an empty house.

As noted above, McKenzie's record shows he has repeatedly engaged in lewd and lascivious behavior and indecent exposure, over a long period of time, despite repeated prosecutions, incarceration, probation supervision, and treatment. Moreover, he has also been convicted of felony perjury, has used several aliases, and demonstrated dishonesty in connection with his application before this department for a license to practice as a real estate salesperson. The practice as a real estate salesperson would provide McKenzie with ample opportunity and temptation to engage in similar behavior. Given McKenzie's proclivities for continuing,

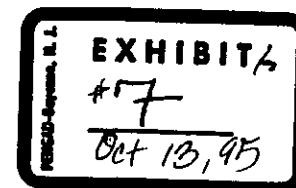
repetitive, offensive criminal conduct and dishonesty as demonstrated by his conviction record and his application before this department, one can only conclude that McKenzie's inclinations for lewd and lascivious conduct, indecent exposure and dishonesty are likely to reappear if he were licensed. If the department granted McKenzie a license, it would be representing to the public that he is trustworthy, of ethical and professional integrity, respectful for the persons he would encounter in practice, and competent to transact the business of a real estate salesperson in a manner which safeguards the interests of the public. Clearly the department cannot make those assurances to the public in view of McKenzie's extensive record of convictions, and his tendencies for highly offensive, criminal behavior and dishonesty. The public should not be exposed to the risk that these tendencies on the part of Mr. McKenzie will surface again in his practice as a real estate salesperson.

Accordingly, the application for a real estate salesperson license of Britton D. McKenzie should be denied on the multiple and independent grounds that: 1) McKenzie abandoned his right to appeal the denial of his application by walking out on the hearing he had requested; 2) McKenzie made material misstatements, misrepresentations, omissions and concealments in his application for licensure; and 3) the circumstances of McKenzie's record of convictions for lewd and lascivious behavior, indecent exposure, bail jumping, obstruction of a police officer, retaining stolen property and perjury are substantially related to the circumstances of the practice of a real estate salesperson, and it would be contrary to the interests of the public to grant him a license.

Dated at Madison, Wisconsin this 1st day of July, 1996.

A handwritten signature in cursive script, reading "Robert T. Ganch", written over a horizontal line.

Robert T. Ganch
Administrative Law Judge



CRIMINAL HISTORY OF BRITTON D. MCKENZIE (aka DUANE F. THORBAHN)

| COUNTY CASE # | DATE OF EVENT | CHARGE | DATE OF JUDGMENT | RESULTS |
|---|--|--|---------------------|-----------------------|
| Milwaukee Co. Case # 2-222445 | (not identified in Court Order) | Lewd and Lascivious Behavior 944.20(2) | 08-24-78 | Convicted |
| Outagamie Co. Case # 57,770 and Case # 79CM222 | 03-25-78 05-04-79 | Indecent Exposure 944.20(2) Indecent Exposure 944.20(2) | 12-28-79 | Convicted 2 Counts |
| Waupaca Co. Case # 79CM647 | 08-31-79 | Lewd and Lascivious Behavior 944.20(2) | 11-20-79 | Convicted 1 Count |
| Waukesha Co. Case # 80CM3999 | 06-30-80 | Indecent Exposure 944.20(2) | 06-09-81 | Convicted 1 Count |
| Washington Co. Case # 80CR438 | 03-03-80 06-17-80 07-01-80 07-02-80 08-08-80 | Indecent Exposure; Repeater 944.20(2) 939.62(1) 939.62(2) | 11-09-81 | Convicted 5 Counts |

| COUNTY CASE # | DATE OF EVENT | CHARGE | DATE OF JUDGMENT | RESULTS |
|----------------------|------------------------------------|---|---------------------|-----------|
| Milwaukee Co. | | | | |
| Case # 2-250601 | 05-13-80 | Lewd and Lascivious Behavior | 09-02-80 | Convicted |
| Case # 2-252454 | 05-28-80 | 944.20(2) | | 3 Counts |
| Case # 2-253740 | 06-23-80 | | | |
| Brown Co. | | | | |
| Case # 81CR61 | 01-20-81 | Indecent Exposure | 09-14-81 | Convicted |
| | | 944.20(2) | | 1 Count |
| | | Retaining stolen property | | 2 Counts |
| | | 943.20(1)(a) | | |
| Grant Co. | | | | |
| | (not identified in Court Order) | Lewd and lascivious Behavior; repeater; (2 counts) | 03-19-84 | Committed |
| | | 944.20(2) | | 971.17(1) |
| | | 939.62(1)(b) | | |
| Dane Co. | | | | |
| Case # 86CM762 | 02-24-86 | Lewd and Lascivious Behavior | 08-28-86 | Convicted |
| | | 944.20 | | 1 Count |
| Grant Co. | | | | |
| Case # 86CR84 | 04-28-86 | Lewd and Lascivious Behavior; Repeater | 07-18-86 | Convicted |
| | | 944.20(2) | | 1 Count |
| | | 939.51(3)(a) | | |
| | | 939.62(1)(a) | | |

| COUNTY CASE # | DATE OF EVENT | CHARGE | DATE OF JUDGMENT | RESULTS |
|----------------------------------|---------------|--|---------------------|-----------------------|
| Dane Co. Case # 87CM2189 | 05-03-87 | Lewd and Lascivious Behavior; Obstructing an Officer; Repeater 944.20(2) 946.41(1) 939.62(1) | 04-21-88 | Convicted 2 Counts |
| Dane Co. Case # 87CM916 | 05-13-87 | Lewd and Lascivious Behavior; Repeater 944.20(2) 939.62(1)(a) | 08-01-88 | Convicted 1 Count |
| Dane Co. Case # 87CM1407 | 07-21-87 | Lewd and Lascivious Conduct; Bail Jumping 944.20(2) 946.49(1)(a) | 11-14-88 | Convicted 2 Counts |
| Dane Co. Case # 87CM1004 | 09-16-87 | Perjury 946.31(1)(d) | 04-21-88 | Convicted 1 Count |
| Milwaukee Co. Case # 2-208807 | 06-08-92 | Lewd and Lascivious Behavior 944.20(2) | 01-12-93 | Convicted |

MCKENZIE/se

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 19, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)